

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 180 – HB 935

April 6, 2015

SUMMARY OF ORIGINAL BILL: Makes property, real or personal, subject to forfeiture to the State if it was used in the course of, derived from, or realized through conduct constituting terrorism.

Allocates the proceeds from the forfeiture between investigating law enforcement agencies and the district attorney prosecuting the case.

Provides a cause of action for any person injured as a result of the act of terrorism.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005819): Rewrites the bill to clarify that claims to receive proceeds from the forfeited property need to be made in the court where conviction occurs. Adds provisions, consistent with Tenn. Code Ann. § 39-11-404, relative to property exempt from forfeiture.

Changes the allocation of proceeds from seized property making the victim the first to receive distribution from the proceeds.

Prohibits forfeiture of any property interest if the owner or interest holder is not convicted of a violation for conduct constituting terrorism and is no longer subject to prosecution. Authorizes the owner or interest holder to file a petition to recover reasonable attorney's fees and any actual damages resulting from the seizure and forfeiture proceedings.

Authorizes a victim to bring a civil suit against the offender whether or not a criminal prosecution is commenced or a conviction is obtained.

Clarifies that any judgment received by the victim for damages will be offset by any amount of proceeds received from the forfeited property or from any funds received from the criminal injuries compensation fund.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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Assumptions for the bill as amended:

- Fiscal Review could find no information of terrorist activities having ever been conducted within the State.
- The Tennessee Bureau of Investigation, the Department of Safety and Homeland Security, and local law enforcement contacts confirm that the bill will not significantly impact local or state government.
- The District Attorneys General Conference confirms that the bill will not significantly affect its operations or caseload.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly distinguishable.

Jeffrey L. Spalding, Executive Director

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